

JOURNAL OF THE HOUSE.

Wednesday, April 5, 2006.

Met according to adjournment, at eleven o'clock A.M., with Mrs. Harkins of Needham in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God of Forgiveness and Truth, we begin this and every day with the firm intention of serving You and the people faithfully. To address and to evaluate objectively the day's legislative and administrative proposals is a difficult task. Your assistance and openness to the experiences of others can help us in the search for right choices and options. History teaches us that we cannot always please constituents by our votes and decisions, but can and ought to always follow our right conscience. Inspire us to work together in building peaceful, civil and children-safe communities which are free of violence, crime and drugs.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mrs. Harkins), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Statement of Representative Gifford of Wareham.

A statement of Ms. Gifford of Wareham was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for yesterday's sitting due to a long-standing family commitment. Had I been present for the taking of ye and nay numbers 368 and 370, on acceptance of the committee of conference report subsequent enactment of the Bill providing access to affordable, quality, accountable health care (House, No. 4479, amended), I would have voted, in each instance, in the affirmative. Any roll calls that I missed yesterday was due entirely to the reason stated.

Statement of
Representative
Gifford of
Wareham.

Statement Concerning Representative Owens-Hicks of Boston.

A statement of Mr. Rogers of Norwood concerning Mrs. Owens-Hicks of Boston was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Owens-Hicks of Boston, will not be present in the House Chamber for today's sitting due to a previously scheduled family commitment. Any roll calls that she may miss today will be due entirely to the reason stated.

Statement
concerning
Representative
Owens-Hicks of
Brockton.

Guests of the House.

Young
Armenian
musicians.

During the session, the Chair (Mrs. Harkins of Needham) declared a brief recess and introduced Meri Badalyan, Sona Barseghyan, Harutyun Chkolyan, Armine Harutunyan, Rusan Minasyan and Iren Pichikyan, young musicians from YerazArt, a non-profit foundation promoting Armenian musical talent. Ms. Badalyan and Mr. Chickalyan then performed a traditional Armenian folk song. Accompanied by Chaperon Hasmik Hakobyan, Executive Director Raffi Meneshian and co-founders Raffi and Nina Festekjian and Noubar and Anna Afeyan, the musicians were the guests of Representatives Koutoujian of Waltham and Kaprielian of Watertown.

Paper from the Senate.

Land
regulations.

A petition of Frances Dec for legislation relative to land use regulations, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2485) was referred, in concurrence, to the committee on Municipalities and Regional Government.

Reports of Committees.

Cohasset
Library
Trust.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rules 12 and 9 be suspended on the petition of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) for legislation to establish the Cohasset Library Trust, Inc., for the town of Cohasset. Under suspension of the rules, on motion of Mr. Hynes of Marshfield, the report was considered forthwith. Joint Rules 12 and 9 were suspended; and the petition (accompanied by bill) was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Buzzards
Bay,
dredging.

Petition (accompanied by bill) of Eric Turkington and others for legislation to regulate the disposal or deposit of dredged materials in the waters of Buzzards Bay. To the committee on Environment, Natural Resources and Agriculture.

Military
funerals,
disturbance.

Petition (accompanied by bill) of Robert J. Nyman relative to penalties for disturbing military funerals or memorial services. To the committee on the Judiciary.

Property
taxes,
classification.

Petition (accompanied by bill) of Thomas M. Stanley and others relative to the classification of property taxes in the cities and towns of the Commonwealth. To the committee on Revenue.

Energy
savings,
contracts.

Petition (accompanied by bill) of Brian S. Dempsey and Michael W. Morrissey for legislation to require that energy savings contracts

be in compliance with the prevailing wage law. To the committee on Telecommunications, Utilities and Energy.

Under suspension of the rules, on motion of Mr. Hynes of Marshfield, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Report of the committee on Education, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 1130) of Deborah D. Blumer and Frank I. Smizik for legislation to further standardize accounting methods for charter schools.

Under suspension of the Rules, on motion of Mr. Hynes of Marshfield, the report was considered forthwith.

Pending the question on acceptance of the report, the petition was recommitted, on further motion of the same member.

Charter
schools,
accounting
methods.

By Mr. Murphy of Lowell, for the committee on Higher Education, on Senate, Nos. 760, 761, 769 and 771 and House, Nos. 1223, 1226, 1234, 1236, 1242, 1253, 1257, 1259, 1260, 1261, 1263 and 3912, an Order relative to authorizing the committee on Higher Education to make an investigation and study of certain Senate and House documents concerning higher education institutions (House, No. 4835).

Higher
education.

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, Nos. 3, 11, 1964, 1967, 1978, 1979, 2052, 2057, 2060, 2071, 2072, 2073, 2074, 2075, 2079, 2085, 2086, 2088, 2104, 2114, 2118, 2135, 2152, 2159, 2160, 2178, 2187, 2198, 2200, 2202, 2217, 2221, 2256, 3832 and 4682, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents concerning the Massachusetts Turnpike Authority, the Massachusetts Port Authority, the Massachusetts Transportation Authority, the Registry of Motor Vehicles and other related matters (House, No. 4836).

Transportation,
study.

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of the orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Turkington of Falmouth, for the committee on Tourism, Arts and Cultural Development, on a petition, a Resolve directing the Superintendent of State Office Buildings to install a plaque in honor of school nurses (House, No. 3531).

By the same member, for the same committee, on a petition, a Bill designating a group home in the town of Ipswich as the Raymond M. Daniels House (House, No. 4032).

School
nurses,
plaque.

Raymond M.
Daniels
House.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

*Engrossed Bills.*Bills
enacted.

Engrossed bills

Authorizing the town of Auburn to convey a certain parcel of land (see Senate, No. 2388) (which originated in the Senate); and

Designating a certain bridge in the town of Canton as the Samuel "Sam" Swardlick Bridge (see House, No. 4673) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

*Orders of the Day.*Second
reading
bills.

Senate bills

Strengthening waterways law enforcement (Senate, No. 546, changed);

Doubling the penalties for violating speed limits in school zones (Senate, No. 1859);

Authorizing the issuance of certain bonds by the Manchester Essex Regional School District to finance the construction of a new district high school/middle school (Senate, No. 2383); and

Designating the garter snake as the official reptile of the Commonwealth (printed as House, No. 3453); and relative to the tax deferral agreements in the town of Princeton (House, No. 4297);

Severally were read a second time; and they were ordered to a third reading.

House
reports.

House reports

Of the committee on Election Laws, ought NOT to pass, on the petition (accompanied by bill, House, No. 67) of Ellen Story and others that the Secretary of the Commonwealth be required to promulgate regulations for the implementation of an "instant runoff voting" system providing for preferential voting for Constitutional officers;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 68) of Ellen Story and others for legislation to provide for pre-registration of voters upon turning seventeen years of age;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 111) of Colleen M. Garry for legislation to further regulate conduct at polling places; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 123) of Frank M. Hynes relative to polling places used for general elections;

Severally were accepted.

Tewksbury,
land.

The House report of the committee on Bonding, Capital Expenditures and State Assets, ought NOT to pass, on the petition (accompanied by bill, House, No. 3427) of James R. Miceli relative to the disposition of state-owned property in the town of Tewksbury, was considered.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Miceli of Wilmington.

At twenty-six minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mrs. Harkins of Needham being in the Chair), the House recessed until the hour of two o'clock P.M.; and at twelve minutes after two o'clock the House was called to order with Mrs. Harkins in the Chair.

Mr. Peterson thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Harkins), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 149 members were recorded as being in attendance.

[See Yea and Nay No. 371 in Supplement.]

Therefore a quorum was present.

The House Bill relative to special needs students (House, No. 4710) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, further consideration thereof was postponed, on motion of Mr. Donato of Medford, until two o'clock P.M.

Subsequently the noon recess having terminated, the bill was further considered.

After debate on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mrs. Haddad of Somerset; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 372 in Supplement.]

Therefore the bill (House, No. 4710) was passed to be engrossed. Sent to the Senate for concurrence.

The Senate Bill further regulating municipal transfers of appropriations (Senate, No. 2192, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

After debate on the question on passing the bill to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 373 in Supplement.]

Therefore the bill (Senate, No. 2192, amended) was passed to be engrossed, in concurrence.

The Senate Bill further regulating horse and greyhound racing and associated gaming (Senate, No. 2227) was considered, the question being: "Shall this bill be rejected?"

Recess.

Quorum.

Quorum,
yea and nay
No. 371.Special
needs
students.Bill passed
to be
engrossed,
yea and nay
No. 372.Municipal
transfers.Bill passed
to be
engrossed,
yea and nay
No. 373.Gaming,
simulcast.

Pending the question on rejection, further consideration thereof was postponed, on motion of Mr. Donato of Medford until the hour of two o'clock P.M.

Quorum.

Subsequently the noon recess having terminated the bill was further considered.

Bill

Pending the question on rejection, Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was in attendance. A count showed that 87 members were in attendance.

Quorum,
yea and nay
No. 374.

After debate on the question on rejection, the same member asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Harkins of Needham), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 153 members were recorded as being in attendance.

[See Yea and Nay No. 374 in Supplement.]

Quorum.

Therefore a quorum was present.

After further debate on the question on rejection, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Harkins of Needham), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,
yea and nay
No. 375.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 153 members were recorded as being in attendance.

[See Yea and Nay No. 375 in Supplement.]

Quorum.

Therefore a quorum was present.

After further debate on the question on rejection, Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was in attendance. A count showed that 86 members were in attendance.

Bill

After further debate on the question on rejection, Mr. Ross of Wrentham asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Harkins of Needham), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,
yea and nay
No. 376.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 153 members were recorded as being in attendance.

[See Yea and Nay No. 376 in Supplement.]

Quorum.

Therefore a quorum was present.

After further debate on the question on rejection, Mr. Wallace of Boston asked for a count of the House to ascertain if a quorum was in attendance. A count showed that 82 members were in attendance.

Bill
rejected,
yea and nay
No. 377.

After further debate on the question on rejection, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 100 members voted in the affirmative and 55 in the negative.

[See Yea and Nay No. 377 in Supplement.]

Therefore the bill (Senate, No. 2227) was rejected. Mr. Bosley of North Adams then moved that this vote be reconsidered and the motion to reconsider was considered forthwith; and it was negatived.

Paper from the Senate.

The House Bill extending simulcasting of horse and greyhound racing (House, No. 4804) came from the Senate with the endorsement that said branch had again insisted on its amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2469 (in which the House had again non-concurred).

Simulcasting,
extend.

Under suspension of the rules, on motion of Mr. Pedone of Worcester, the amendment (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

The same member then moved that the House recede from its non-concurrence in the Senate amendment; and concur therein.

Suspension
of Rule 1A.

After debate on the question on receding from non-concurrence with the Senate in its amendment, the Chair (Mrs. Harkins of Needham) interrupted the pending business and placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o'clock P.M.

Rule 1A
suspended,
yea and nay
No. 378.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 130 members voted in the affirmative and 24 in the negative.

[See Yea and Nay No. 378 in Supplement.]

Therefore Rule 1A was suspended.

House
concurred
in Senate
amendment,
yea and nay
No. 379.

After further debate on the question on receding from non-concurrence in the Senate amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Flynn of Bridgewater; and on the roll call 141 members voted in the affirmative and 13 in the negative.

[See Yea and Nay No. 379 in Supplement.]

Therefore the House receded from its non-concurrence in the Senate amendment; and concurred therein.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next
sitting.

Mr. Timilty of Milton then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-four minutes before ten o'clock P.M. (Mrs. Harkins of Needham being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.